

Kasell Law Firm

July 2, 2024

District Judge : P. Kevin Castel
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Application GRANTED

So Ordered:

Hon. P. Kevin Castel, U.S.D.J.

7-2-24

Re: *Kalamata Capital Group, LLC v. Varaluz LLC et al.*, 24 Civ. 04875

Judge Castel:

I represent Defendant Varaluz LLC in the above-captioned action, which Plaintiff Kalamata Capital Group, LLC ("Plaintiff") filed in the Supreme Court of the State of New York, County of Rockland, Index No. 036634/2023, on December 12, 2023, and Defendants removed to this Court on June 27, 2024 (the "Removed Action"). i ECF No. 1 (Notice of Removal).

Granted I respectfully request that this Court refer the Removed Action to the United States Bankruptcy Court for the Southern District of New York (the "S.D.N.Y. Bankruptcy Court") for further proceedings.

The Removed Action arises in and is related to the chapter 11 case of Varaluz LLC, currently pending in the United States Bankruptcy Court for Nevada before Hilary L. Barnes under the caption *In re Varaluz LLC*, Case No. 24-13181 (HLB) (Bankr. D. Nev.). The petition filed in that case is attached as an exhibit to this letter.

By statute, the United States district courts are empowered to "provide that . . . any and all proceedings arising under title 11 or arising in or related to a case under title 11 shall be referred to the bankruptcy judges for the district." 28 U.S.C. § 157(a). In this District, a Standing Order of Reference refers all such cases to the S.D.N.Y. Bankruptcy Court by default.¹

¹ Available at

https://www.nysd.uscourts.gov/sites/default/files/pdf/StandingOrder_OrderReference_12mc32.pdf

Kasell Law Firm

Accordingly, Defendants respectfully request that the Removed Action be referred to the S.D.N.Y. Bankruptcy Court for further adjudication.

Respectfully,

/s/ David Kasell

1038 Jackson Avenue, Suite #4
Long Island City, NY 11101
Attorney for Varaluz LLC

1038 Jackson Avenue #4 • Long Island City, NY 11101

Phone 718.404.6668